

10-R-0516

(Do Not Write Above This Line)

A RESOLUTION

BY:

COUNCILMEMBERS
JOYCE M. SHEPHERD AND
FELICIA A. MOORE

A RESOLUTION TO SUPPORT
HOUSE BILL 1369 TO AMEND
GEORGIA CODE SECTION 15-6-67
(RECORDATION OF MAPS AND PLATS)
SO AS TO PROVIDE THAT CERTAIN
DATA SHALL BE SHOWN ON CERTAIN
MAPS AND PLATS; TO PROVIDE FOR
CERTAIN RESTRICTIONS REGARDING
A PLAT OF A SUBDIVISION; AND FOR
OTHER PURPOSES.

- ☐ CONSENT REFER
- ☐ REGULAR REPORT REFER
- ☐ ADVERTISE & REFER
- ☐ 1st ADOPT 2nd READ & REFER
- ☐ PERSONAL PAPER REFER

Date Referred **ADOPTED BY**

Referred To: **MAR 15 2010**

Date Referred **COUNCIL**

Referred To: **COUNCIL**

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred To _____

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Committee

Date

Chair

Action

Fav, Adv, Hold (see rev. side)

Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

☐ 2nd

☐ 1st & 2nd

☐ 3rd

Readings

☐ Consent

☐ V Vote

☒ RC Vote

CERTIFIED

MAR 18 2010

MAR 15 2010

Renee D. Williams
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

MAR 24 2010

WITHOUT SIGNATURE
BY OPERATION OF LAW

CITY COUNCIL
ATLANTA, GEORGIA



A RESOLUTION

10-R-0516

COUNCILMEMBERS JOYCE M. SHEPERD AND FELICIA A. MOORE

A RESOLUTION TO SUPPORT HOUSE BILL 1369 TO AMEND GEORGIA CODE SECTION 15-6-67 (RECORDATION OF MAPS AND PLATS) SO AS TO PROVIDE THAT CERTAIN DATA SHALL BE SHOWN ON CERTAIN MAPS AND PLATS; TO PROVIDE FOR CERTAIN RESTRICTIONS REGARDING A PLAT OF A SUBDIVISION; AND FOR OTHER PURPOSES.

WHEREAS, the practice of sub-dividing apartments for sale has taken place in certain neighborhoods of the City of Atlanta; and

WHEREAS, apartment units are converted and sub-divided for sale to the unsuspected general public without the proper condo conversion and without the approval of the local government; and

WHEREAS, as a result, these apartments are not regulated or governed by any laws or regulations; and

WHEREAS, these apartments are also minimally maintained or not maintained at all, thus contributing to the decay of the buildings and the complex; and

WHEREAS, a lack of a homeowner association and/or a financially weak homeowner association often lead to failures to pay water, sewer and sanitation bills; and

WHEREAS, code violations, foreclosures, crimes, and trash are ravaging these apartments, their remaining residents and the surrounding neighborhoods; and

WHEREAS, Georgia State Representatives - Kaiser of the 59th District and Ashe of the 56th District, recently introduced House Bill 1369 to insert a new subparagraph in the Recordation of Maps and Plats Section to state that neither the surveyor's seal nor the recordation of the map or plat shall constitute approval or recognition by the appropriate municipal or county governing authority of any entitlement to use or develop the land; and

WHEREAS, the Atlanta City Council believes that HB 1369 will enhance the city's effort to prevent illegal sub-dividing of apartments for sale.



NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1: That the Atlanta City Council supports **House Bill 1369** that is presently before the Georgia General Assembly.

SECTION 2: That the Atlanta City Council urges all members of the Atlanta Delegation to support House Bill 1369, a copy of which is hereby attached and made a part of this legislation.

SECTION 3: That the Municipal Clerk is hereby directed to forward a copy of this resolution to all members of the Atlanta Delegation to the Georgia General Assembly.

A true copy,

Rhonda Dauphin Johnson
Municipal Clerk

ADOPTED by the Atlanta City Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

MAR 15, 2010

MAR 24, 2010



10 LC 38 1099

House Bill 1369

By: Representatives Kaiser of the 59th and Ashe of the 56th

A BILL TO BE ENTITLED

AN ACT

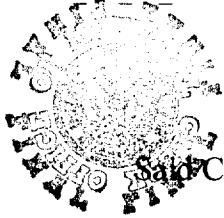
To amend Code Section 15-6-67 of the Official Code of Georgia Annotated, relating to the recordation of maps and plats and specifications for such maps and plats, so as to provide that certain data shall be shown on certain maps and plats; to provide for certain restrictions regarding a plat of a subdivision; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 15-6-67 of the Official Code of Georgia Annotated, relating to the recordation of maps and plats and specifications for such maps and plats, is amended by revising paragraph (4) of subsection (b) by deleting "and" at the end of subparagraph (M), substituting "; and" for the period at the end of subparagraph (N), and adding a new subparagraph to read as follows:

"(O) A statement shall be shown on the map or plat that neither the surveyor's seal nor the recordation of the map or plat shall constitute approval or recognition by a municipality or county of any entitlement to use or develop the land other than in accordance with any applicable municipal or county ordinance, including but not limited to zoning or subdivision."



SECTION 2.

Said Code section is further amended by revising subsection (d) as follows:

"(d) Whenever the municipal planning commission, the county planning commission, the municipal-county planning commission, or, if no such planning commission exists, the appropriate municipal or county governing authority prepares and adopts subdivision regulations, and ~~upon receiving~~ receives approval thereon by the appropriate governing authority, ~~then~~ no plat of subdivision of land within the municipality or the county shall be filed or recorded in the office of the clerk of the superior court of a county without the approval thereon of the municipal or county planning commission or governing authority and without such approval having been entered in writing on the plat by the secretary of the municipal or county planning commission or governing authority. The clerk of the superior court shall not file or record a plat of subdivision which does not have the approval of the municipal or county planning commission or governing authority as required by this subsection. Notwithstanding any other provision of this subsection to the contrary, no approval shall be required if each lot shown on the plat of subdivision is greater than one acre in size and if no new streets or roads are created or no new utility improvements are required or no new sanitary sewer or approval of a septic tank is required. Any plat of survey containing thereon a certification from the licensed surveyor that the provisions relative to this subsection do not require approval shall entitle said plat to record."

SECTION 3.

All laws and parts of laws in conflict with this Act are repealed.

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RCS# 151
3/15/10
3:30 PM

Atlanta City Council

REGULAR SESSION

PERSONAL SUPPORT HOUSE BILL 1369 TO AMEND GEORGIA
CODE SECTION 15-6-67
ADOPT/MOORE

YEAS: 10
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 2
ABSENT 2

Y Smith	E Archibong	Y Moore	Y Bond
B Hall	Y Wan	Y Martin	Y Watson
Y Young	NV Shook	Y Bottoms	Y Willis
E Winslow	Y Adrean	B Sheperd	NV Mitchell

PERSONAL